Remarks

Status of application

Claims 1-48 were examined and stand rejected in view of prior art and for technical reasons. Applicant has amended claims 1, 21 and 36 to address the rejection of Applicant's claims under 35 U.S.C. Section 101. In view of the amendments made and the following remarks, reexamination and reconsideration are respectfully requested.

The invention

For a concise statement of Applicant's invention, please refer to the Summary of Invention in Applicant's previously filed Appeal Brief.

General

A. Section 101 Rejection

Claims 1-48 stand rejected under 35 U.S.C. 101 as being directed towards non-statutory subject matter. Although Applicant respectfully believes that the Examiner has incorrectly construed Applicant's specification as stating that the elements of Applicant's invention can only be implemented in software, Applicant has amended independent claims 1 and 36 by adding claim limitations of a computer having at least a processor and memory. Applicant has also amended independent claim 21 to clarify that Applicant's claimed method is implemented in a computer having at least a processor and memory. These claim limitations find support in Applicant's specification which expressly states that elements of Applicant's invention may be implemented in hardware, software or firmware (or combinations thereof). This is expressly stated, for example, at paragraph [0036] of Applicant's specification as follows: "...the corresponding apparatus element may be configured in hardware, software, firmware or combinations thereof" (see e.g., Applicant's specification, paragraph [0036] emphasis added). Applicant also describes in detail a computer system environment in which the present invention may be implemented (see e.g., Applicant's specification, paragraphs [0038]-[0048]; see also, Fig. 1 and Fig. 2). In view of these amendments, it is respectfully submitted that the rejection of claims 1-48 under Section 101 is overcome.

Prior art rejections

A. Section 102 rejection: Cohen

Applicant's claims 1-2, 4-9, 18-22, 24, 28-31, 33-37, 39, 43-46 and 48 stand rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Published Application No. 2003/0097331A of Cohen (hereinafter "Cohen"). In the current Office Action the Examiner has reopened prosecution in response to Applicant's Appeal Brief, which appealed the Examiner's prior rejection of Applicant's claims based on a combination of twelve different references. The Examiner now relies on eight references in rejecting Applicant's claims and relies on Cohen alone in rejecting Applicant's claims 1-2, 4-9, 18-22, 24, 28-31, 33-37, 39, 43-46 and 48. However, under Section 102, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in the prior art reference. As described below in detail, Cohen fails to teach each and every element set forth in Applicant's claims and therefore fails to establish anticipation of the claimed invention under Section 102.

Cohen discloses a "metabank" Internet banking system that provides a corporate or individual consumer with the ability to open an Internet financial vehicle referred to as a "webbank" (Cohen, paragraph [0004]). Cohen describes that a webbank is located on the World Wide Web and enables a corporate or individual user/owner to perform certain banking functions as an Internet banking "subsidiary" of a true bank, which Cohen refers to as a "metabank" (Cohen, paragraph [0005]). In other words, Cohen's solution enables corporate and individual users to perform certain of their own banking functions via the Internet.

Cohen describes that a user can provide his credit card company with the webaddress of the user's webbank, so that whenever the customer's credit card is used, records of the transaction are sent to the webaddress with details about the transaction such as vendor, place of purchase, amount of purchase, etc. (Cohen, paragraph [0273]). This enables the customer to look at the website to review recent activity; pay bills and so forth (Cohen, paragraph [0274]). Information from a provider (e.g., in an email) can also be downloaded into a spreadsheet or into a personal database linked to the website such as Microsoft Access or Quicken (Cohen, paragraph [0277]). Here, Cohen goes on to describe that "the information in this personal database maintained for that customer can

then be consolidated and manipulated by the customer in whatever manner the customer desires" (Cohen, paragraph [0277], emphasis added). The Examiner contends that these teachings of Cohen of downloading financial information received via email into a personal database or spreadsheet are equivalent to Applicant's claimed solution for consolidation of financial transaction information. Applicant respectfully disagrees. Comparison of the referenced teachings, as well as the balance of the Cohen reference, finds that Applicant's claimed invention is distinguishable from Cohen in a significant number of respects.

Applicant's solution does not simply operate to summarize transaction records (e.g., transactions made using a particular credit card) over a given period of time. Instead, the focus of Applicant's claimed invention is on consolidating transaction data from a live, user-accessible banking system with transaction data imported from data files (e.g., BAI files received and processed after the end of the business hours). Applicant's solution recognizes that today's real-time banking transactions are tonight's file-based transactions and therefore the two sets of transaction data from different sources (e.g., data files typically received and processed at night and real-time transaction data from "live" systems) include large quantities of duplicate data. Applicant's solution operates to consolidate data from file-based sources with data from the live system while also eliminating duplicate data by replacing real-time transaction data from the live system with the officially posted transaction data when the official transaction data is available (e.g., at the end of the day). This is described, for instance, in Applicant's specification as follows:

> Assume, for example, that a bank receives a set of BAI files once per day and processes these files each day at midnight. During a particular day, a user (i.e., bank account holder) may request account data for a particular account 1234. In response, the reporting module 480 may obtain current data from the live system 470 and use the data consolidator 450 to add the live data into the data consolidator's repository 460. The combined information from the live system and previously received data files relating to the particular account 1234 may then be displayed to the user in response to his or her request. The user may then issue a bill payment from this account at 2 pm in the afternoon of that same day. The data consolidator will update the account information to reflect the bill payment (based on information about the bill payment in the live system 470). That evening at midnight a new set of BAI files is received and processed, including a

> BAI file containing information relating to account 1234. The information in this BAI file may duplicate the information that came from the live system (e.g., because the BAI file includes a record of activity over the past 24 hours on account 1234). For example, the BAI file may include information reflecting the bill payment made from the account at 2 pm. When the system of the present invention processes data files (e.g., BAI files), the system will automatically purge any corresponding information in the repository which is marked as live from the user-accessible system. In this example, the bill payment record from the live system will be deleted as it is duplicated in the BAI file.
>
> (Applicant's specification, paragraph [0072], emphasis added)

As illustrated above, the consolidation performed by Applicant's invention includes removing duplicate transaction data. Removal of duplicate data reduces the quantity of the data that is maintained, provides increased consistency and improves performance. This feature is also included in the claim limitations of Applicant's claims. For example, Applicant's claim 1 includes the following claim limitations:

> a data consolidator for receiving parsed information from the file importer, consolidating said parsed information with transaction information from a user-accessible system to create consolidated transaction records, assigning a unique identifier to each consolidated transaction record for an account, and storing said consolidated transaction records, wherein consolidating said parsed information includes removing transaction information derived from the user accessible system that is duplicated in said parsed information from the data files; and
>
> (Applicant's claim 1, emphasis added)

Applicant's review of Cohen finds no mention whatsoever of eliminating duplicate information or, more generally, of consolidating information imported from file-based sources with information from a user-accessible system. Instead, Cohen describes that any consolidation or manipulation of data is left to the user as follows:

> The information in this personal database maintained for that customer can then be consolidated and manipulated by the customer in whatever manner the customer desires.
>
> (Cohen, paragraph [0277], emphasis added)

The only other reference to "consolidated" information in Cohen is that Cohen mentions that in addition to receiving real-time notification of transactions as they occur,

customers can additionally receive "automatic statements or consolidations" of information on a periodic basis, such as for the day, the month, the year, and so forth (Cohen, paragraphs [0278]-[0279]). Significantly, Cohen notes that this processing "can be as an alternative to viewing periodic (e.g., daily) updates or in addition to it" (Cohen, paragraph [0278]). Thus, it is clear that Cohen's system does not eliminate duplicate data. Additionally, Cohen provides no teaching of combining data from a live system with parsed information extracted from data files.

Another distinctive feature of Applicant's claimed invention is that Applicant's system supports additional (i.e., custom) data fields in data files (e.g., BAI files) that are received. Moreover, it does so without having to modifying the underlying schema. One of the complications in processing BAI data files and storing them in a repository is that financial institutions frequently extend the BAI file format to provide additional (i.e., custom) fields or lines. Applicant's solution provides for handling and storing this additional information in the repository even though it may not be defined as a standard data element (i.e., in standard fields which are expected). It does so by creating an Extensible Markup Language (XML) representation of the additional information and storing this XML representation in the repository (see e.g., Applicant's specification, paragraphs [0066]-[0067]). These features are included as limitations of Applicant's claims including, for instance, the following limitations of Applicant's claim 1:

> a file importer for importing data files from a first source and processing each data file to create parsed information for each transaction present in the data file and represent any additional information present in the data file in Extensible Markup Language (XML) format;
>
> (Applicant's claim 1)

When information from the BAI file is subsequently retrieved from the repository for presentation to a user, this additional information in XML format is reassembled for presentation to the user with the rest of the data from the BAI file (see e.g., Applicant's specification, paragraph [0066]). This feature is also described in Applicant's claims (see e.g., Applicant's claim 9).

The Examiner references Cohen for the corresponding teachings. However, Cohen simply states that information may be linked using XML as follows:

> Moreover, in the preferred embodiment, the website is linked to financial data and information at the metabank using existing technologies. In one such embodiment, the webbank is linked to financial databases at the overseer bank using XML and/or any other suitable programming language currently available (or later developed in the art) for sharing and/or transferring information, or linking information to databases, including information in a webpage. In this embodiment, the outer template of the webbank's webpage, presenting the format of the website, is preferably programmed using HT or some other available or appropriate language, with the underlying financial data and information being linked to the webbank using a language such as XML.
>
> (Cohen, paragraph [0090])

Additionally, Cohen makes no mention of retrieving the XML representation from the repository in response to a user request (e.g., as provided in Applicant's claim 9). The Examiner references paragraph 0277 of Cohen for the teachings corresponding to Applicant's claim 9; however, Cohen simply describes that a website "is programmed using XML or another suitable method" (Cohen, paragraph [0277]). Respectfully, such teachings do not teach or suggest Applicant's claim limitations of an XML representation of data which is stored and can be retrieved in response to a user request for financial transaction information (see e.g., Applicants' claim 9).

Additionally, Applicant's methodology provides for ordering the transaction information and assigning a unique identifier (e.g., sequence number) to each transaction stored in the repository (see e.g., Applicant's specification, paragraph [0069]). This unique identifier facilitates paging the transaction information to the user in manageable groups or "chunks" of information, such as in groups of ten transactions organized based on sequence number (see e.g., Applicant's specification, paragraphs [0069]-[0070]). The user may, for example, then navigate through the transactions in sequence. This feature is also included as limitations of Applicant's claims. For example, Applicant's claim 1 includes the following claim limitations:

> a data consolidator for receiving parsed information from the file importer, consolidating said parsed information with transaction information from a user-accessible system to create consolidated transaction records, assigning a unique identifier to each consolidated transaction record for an account, and storing said consolidated transaction records, wherein consolidating said parsed information includes removing transaction information derived from the user accessible

system that is duplicated in said parsed information from the data files; and a reporting module for receiving a request for financial transaction information for a particular account and presenting consolidated transaction records for the particular account to the user in response to the request, wherein the user may navigate through said consolidated transaction records based upon said unique identifier.

(Applicant's claim 1, emphasis added)

The Examiner again relies on Cohen as providing the corresponding teachings. However, Applicant's review of the Cohen reference, finds no mention whatsoever of assigning a sequence number or other unique identifier to each transaction record. As Cohen makes no mention of a unique identifier, Cohen also cannot teach using such identifier to facilitate display of the information to the user as with Applicant's claimed invention.

All told, Cohen does not include teachings of a consolidation system that consolidates real-time transaction data from a live system with file-based transaction data. Additionally, Cohen does not include teachings of removing duplicate data in the process of consolidating data from different sources. Furthermore, Cohen does not teach converting additional data fields in input data files into XML format and storing it in the repository so that it can later be provided to a user when requested. Cohen also fails to include any teaching or suggestion of assigning a unique identifier to each transaction and using this identifier to assist the user in navigating through transaction data. Therefore, as Cohen does not include all the limitations of Applicant's claims it is respectfully submitted that Applicant's claims distinguish over the prior art and overcome any rejection under Section 102.

B. First Section 103 Rejection: Cohen and Campbell

Claims 3, 23 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (above) in view of U.S. Patent 6,856,970 of Campbell et al (hereinafter "Campbell"). As to these claims, the Examiner relies on Cohen as substantially teaching the claimed invention, but acknowledges that Cohen fails to teach at least one file adapter for extracting data from a particular type of data file, such as a BAI file. Therefore, the Examiner adds Campbell as providing these teachings.

Under Section 103(a), a patent may not be obtained if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. To establish a prima facie case of obviousness under this section, the Examiner must establish: (1) that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) that there is a reasonable expectation of success, and (3) that the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See e.g., MPEP 2142). The Cohen and Campbell references, even when combined, fail to meet the requisite condition of teaching or suggesting all of Applicant's claim limitations.

Applicant's claims are believed to be allowable for at least the reasons cited above (as to the Section 102 rejection) pertaining to the deficiencies of Cohen as to Applicant's invention. Campbell does not cure any of these deficiencies of Cohen. Although Campbell describes a BAI format mapper which accounts for different interpretations of BAI used at different banks, it does not include any teaching of a system that consolidates real-time transaction data with file-based transaction data comparable to Applicant's claimed invention. Accordingly, Campbell does not cure any of the above-described deficiencies of Cohen as to Applicant's invention. As the combined references do not include all the limitations of Applicant's claims it is respectfully submitted that Applicant's claims distinguish over the combined references and overcome any rejection under Section 103.

C. Second Section 103 Rejection: Cohen and Hopkins

Claims 10-12, 25 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (above) in view of U.S. Published Application 2005/0172137 of Hopkins et al (hereinafter "Hopkins"). Applicant's claims are believed to be allowable for at least the reasons discussed in detail above pertaining to the deficiencies of Cohen as to Applicant's invention, none of which are cured by Hopkins. Applicant also believes these dependent claims are allowable for the additional reasons discussed below.

As discussed previously, Applicant's solution provides for assigning a unique identifier to each transaction stored in the repository to facilitate paging the transaction information to the user in manageable groups or "chunks" of information. Applicant's claim 10, for instance, adds that the unique identifier comprises a sequence number. Claim 11 adds that the sequence number is assigned per account and per type of transaction. Additionally, claim 12 provides that consecutive sequence numbers are assigned to transactions records of a given type for a particular account. Although Hopkins discusses sequence numbers, it assigns sequence numbers based on the particular terminal at which the transaction originates (Hopkins, paragraph [0025]). Thus, assuming the terminal that is involved in Hopkins' solution is a particular ATM, Hopkins unique identifier identifies the ATM and issues consecutive sequence numbers for transactions at that ATM. This is not the same as assigning sequence numbers "per account and type of transaction" as provided by Applicant's claimed invention.

Consider, for instance, the following example of a user taking cash from an ATM. With Hopkins' solution, when an individual took cash from a given account at a first ATM, Hopkins' system would assign a sequence number based on the current sequence at that particular ATM. Subsequently, if the same user went to another ATM and took cash from the same account, Hopkins' system would assign a completely different sequence number. In contrast, with Applicant's invention the same sequence would be used for assigning a sequence number to the two transactions as they are both for the same account and are the same type of transaction (see e.g., Applicant's specification, paragraph [0069]) Additionally, assuming there were no intervening transactions on the account (and a consecutive paging scheme is selected as described at paragraph [0069] of Applicant's specification), consecutive sequence numbers would be assigned to the two cash withdrawals made from the two different ATMs by Applicant's solution. Thus, Hopkins does not teach or suggest these specific limitations of Applicant's claims 10-12, 25 and 40.

Accordingly, as the combined references do not include all the limitations of Applicant's claims it is respectfully submitted that Applicant's claims distinguish over the combined references and overcome any rejection under Section 103.

D. Third Section 103 Rejection: Cohen, Hopkins and Ferlauto

Claims 13-14, 26 and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (above) in view of Hopkins (above),and further in view of U.S. Patent 6,895,926 of Ferlauto et al (hereinafter "Ferlauto"). Again, these claims are believed to be allowable for the reasons discussed in detail as to the deficiencies of Cohen and Hopkins as to Applicant's claimed invention, none of which are cured by Ferlauto. Ferlauto describes an address consolidating system including a name and address database in which duplicate names and address are consolidated by matching name and address and e-mail address simultaneously (Ferlauto, Abstract). As Applicant's claimed invention relates to consolidation of financial transaction records, Ferlauto's system for consolidation of name and address data appears only marginally relevant. Applicant also believes that Ferlauto does not teach or suggest the specific limitations of Applicant's dependent claims 13-14, 26 and 41 for the following additional reasons.

The Examiner adds Ferlauto for the teachings of a data consolidator that assigns date-based sequence numbers to transactions of a given type for a particular account (Applicant's claim 13, 26 and 41) and that is user configurable to assign a unique identifier using a selected one of consecutive sequence numbers and date-based sequence numbers. The Examiner references Ferlauto at column 16, lines 63-67 for such teachings. However, column 16, lines 63-67 of Ferlauto includes Ferlauto's claim 3 which reads as follows:

> 3. A method for matching and consolidating addresses in a name and address database according to claim 2 wherein said at least one new field comprises at least one of a file code field, a sequence number field, a transaction date field, and a value field.
>
> (Ferlauto column 16, lines 63-67)

As illustrated above, Ferlauto describes a sequence number field and a separate transaction date field. Applicant's review of the balance of the Ferlauto reference finds that although Ferlauto describes several different kinds of sequences, Ferlauto's general approach is for the sequence numbers to go up by one for each subsequent record (see e.g., Ferlauto col. 2, line 65 to col. 3, line 6). Ferlauto also describes a separate "transaction date field" (YYYMMDD) which is based on the date the transaction is

generated by the file owner (see e.g., Ferlauto, col. 3, lines 6-9). However, this date field is described as being separate from the sequence number and Applicant's review of the reference finds no mention of providing for the user to select between date-based and consecutive sequencing as provided with Applicant's claimed invention. Thus, as the combined references do not include all the teachings of Applicant's claims, Applicant respectfully submits that its claimed invention distinguishes over these references.

E. Fourth Section 103 Rejection: Cohen and Battat

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (above) in view of U.S. Published Application 2006/0143239 of Battat et al (hereinafter "Battat"). Claim 15 is believed to be allowable for the reasons discussed in detail as to the deficiencies of Cohen as to Applicant's claimed solution for consolidation of financial transaction records. Battat does not cure any of these deficiencies as Battat simply describes a method and apparatus for maintaining data integrity across distributed computer database systems. Additionally, Applicant respectfully believes that Battat's teachings of a commit operation which collapses all the operations in a given transaction into one undo-able operation are not comparable to Applicant's claim limitations of a data consolidator that provides for undoing transaction records created from a particular file in response to a user request to undo a particular file. Accordingly, as the combined references do not include all the teachings of Applicant's claims, Applicant respectfully submits that its claimed invention overcomes the Section 103 rejection.

F. Fifth Section 103 Rejection: Cohen, Battat and Smith

Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (above), in view of Battat (above) and further in view of U.S. Published Application 2002/0042975 of Smith (hereinafter "Smith"). Claims 16 and 17 are dependent on claims 1 and 15 and are, therefore, believed to be allowable for the reasons set forth above as to the deficiencies of Cohen and Battat as to these independent and intervening claims. Smith does cure any of these deficiencies. Additionally while Smith describes identifying dependent files, Smith makes no mention of undoing or reprocessing any files or dependent files as provided in Applicant's specification and

claims. Furthermore, the Examiner references Cohen at paragraphs 0277-0278 for the teachings of Applicant's claim 17 of reprocessing of dependent files by the data consolidator in response to a user request to undo a particular file. However, Cohen makes no mention of undoing transaction records derived from a particular file in response to a user request, nor does Cohen (or the other references) describe identifying and reprocessing records which are dependent on the file being undone as provided in Applicant's specification and claims. For the reasons set forth above, Applicant respectfully submits that its claimed invention distinguishes over the combined references and overcomes the Section 103 rejection.

G. Sixth Section 103 Rejection: Cohen and Schulze

Claims 27 and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (above) in view of U.S. Published Application 2006/0041493 of Schulze et al (hereinafter "Schulze"). Applicant's claims are believed to be allowable for at least the reasons described above pertaining to the deficiencies of Cohen. Schulze does not cure these deficiencies as the referenced teachings of Schulze simply describe making a back-up file of downloaded identification data and routing codes and storing it in an off-site storage system. Therefore, Applicant respectfully submits that its claimed invention distinguishes over the combined references and overcomes the Section 103 rejection.

H. Seventh Section 103 Rejection: Cohen and Osborne

Claims 32 and 47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (above) in view of U.S. Published Application 2003/00120619 of Osborne et al (hereinafter "Osborne"). Applicant's claims are believed to be allowable for at least the reasons described above pertaining to the deficiencies of Cohen. Osborne describes a solution for remote monitoring and diagnosing of industrial equipment and, therefore, does not cure any of these deficiencies. Therefore, Applicant respectfully submits that its claimed invention distinguishes over the combined references and overcomes the Section 103 rejection.

Any dependent claims not explicitly discussed are believed to be allowable by

virtue of dependency from Applicant's independent claims, as discussed in detail above.

Conclusion

In view of the foregoing remarks and the amendment to the claims, it is believed that all claims are now in condition for allowance. Hence, it is respectfully requested that the application be passed to issue at an early date.

If for any reason the Examiner feels that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 925 465 0361.

Respectfully submitted,

Date: June 12, 2009

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